

Message Text

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C O R R E C T E D C O P Y (EXDIS CAPTION ADDED)

E.O. 11652: GDS
TAGS: PGOV,MKS, US
SUBJECT: TONGSUN PARK ARRANGEMENTS: ETHICS COMMITTEE ACCESS

SUMMARY: LONG DISCUSSION HELD WITH REPRESENTATIVE CAPUTO,
SWILLINGER, AND CIVILETTI. DIFFICULTIES IN NEGOTIATION
FULLY OUTLINED. CAPUTO AND SWILLINGER AGREEABLE TO INFORMAL,
NON-PUBLICIZED MEETING WITH ASSISTANT MINISTER RHI MOON YONG
TO OUTLINE CONGRESSIONAL REQUIREMENTS. END SUMMARY.

1. I HAD ONE HOUR DISCUSSION EARLY EVENING JANUARY 14
WITH REPRESENTATIVE CAPUTO, MR. SWILLINGER OF SENATE
ETHICS COMMITTEE STAFF, AND DEPUTY ATTORNEY GENERAL
CIVILETTI REGARDING HOUSE ETHICS COMMITTEE DESIRE TO
INITIATE APPROACH TO ROKG REGARDING ACCESS TO TONGSUN
PARK. REP CAPUTO BEGAN BY STATING THAT COMMITTEE AWARE
OF PARK'S POSITION AND WAS WILLING TO HOLD EXECUTIVE
SESSION, WHICH WOULD BE IN ANY EVENT IN ACCORDANCE WITH
HOUSE RULES AND PROVIDE GUARANTEE OF PARK'S FREEDOM TO
RETURN TO KOREA FOLLOWING SUCH HEARING. QUESTIONING WOULD
CONCERN UN OFFICIALS, NOT KOREAN OFFICIALS. HE SAID HOUSE
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WOULD WANT THE RIGHT TO REVIEW TESTIMONY, CONFRONT
CONGRESSMEN ACCUSED, AND RELEASE VALIDATED PORTION OF
TESTIMONY. COMMITTEE MIGHT ALSO NEED PUBLIC TESTIMONY
FROM PARK IF CONGRESSMAN WERE TO BE SUBJECT TO HOUSE
DISCIPLINARY ACTION. HE SAID HE HAD TALKED TO PARK
AND HUNDLEY, WHO SEEMED AGREEABLE TO THIS APPROACH.
HE HAD ALSO TALKED TO JAWORSKI AND NIELDS OF COMMITTEE

STAFF AND THEY SAID IT WAS OK. HE HAS BEEN UNABLE TO TALK TO CHAIRMAN FLYNT.

2. I THEN OUTLINED FOR THE CONGRESSMAN OUR POSITION AND FACT THAT DECISION RESTS IN WASHINGTON. I STRESSED AT LENGTH THE LONG AND DIFFICULT NEGOTIATING PROCESS WHICH LED TO CURRENT AGREEMENT. I SAID THAT FOLLOWING ESTABLISHMENT OF GOOD FAITH BETWEEN COMMITTEE AND ROKG I WAS HOPEFUL THAT SOMETHING COULD BE WORKED OUT. I SAID THERE WERE THREE REQUIREMENTS IN MY VIEW FOR A SUCCESSFUL APPROACH: (A) PARK MUST AGREE; (B) COMMITTEE MUST ESTABLISH GOOD FAITH CREDENTIAL WITH THE ROK; (C) NOTHING MUST BE DONE WHICH WILL IMPAIR THE CURRENT INTERROGATION. I STRESSED THESE WERE PERSONAL REACTIONS AND OBSERVED THAT THE CONGRESSMAN'S PRESENCE OFFERS A CHANCE TO START THE PROCESS. I SUGGESTED AN INFORMAL DISCUSSION WITH ASSISTANT MINISTER RHI TT OUTLINE THE COMMITTEE'S POSITION AND THE PROBLEMS FACING THE CONGRESS.

3. DEPT ATTGEN CIVILETTI SAID THAT JUSTICE HAD RELIED ON STATE FOR NEGOTIATION. HE NOTED THAT REQUIREMENTS OF JUSTICE AND ETHICS COMMITTEE DIFFERED AND THAT NOTHING HAD BEEN DONE TO LIMIT CONGRESSIONAL ACCESS. HE SAID THAT BOTH SIDES WERE AFTER THE TRUTH AND THAT MUCH UNCOVERED BY JUSTICE WOULD BE OF VALUE TO THE COMMITTEE. HE REITERATED LONG NEGOTIATING PROCESS AND NEED TO
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ESTABLISH GOOD CREDENTIALS. IN LATTER RESPECT, HE SAID THE COMMITTEE MUST SPEAK WITH ONE VOICE AND AVOID STATEMENTS WHICH EXACERBATE THE RELATIONSHIP AND MAKE NEGOTIATIONS DIFFICULT. HE OBSERVED IN THIS RESPECT THAT THE KOREANS WOULD BE WATCHING CLOSELY MR. JAWORSKI'S STATEMENTS ON FACE-THE-NATION. HE URGED AN APPROACH DESIGNED TO ILLICIT COOPERATION. HE ALSO INFORMED CONGRESSMAN CAPUTO THAT JUSTICE EXPECTED AN EIGHT TO TEN WEEK INTERVAL BETWEEN COMPLETION OF INTERROGATION AND BEGINNING OF TRIALS. THEREFORE, THE COMMITTEE MIGHT USE THIS TIME FRAME IN SEEKING PARK'S APPEARANCE IN THE UNITED STATES SHORTLY BEFORE SUCH TRIALS. HE STRESSED, HOWEVER, THAT JUSTICE DOES NOT WANT HEAVY PUBLICITY IMMEDIATELY BEFORE TRIALS SINCE THIS COULD ADVERSELY AFFECT THE TRIALS THEMSELVES.

4. I THEN RAISED SEVERAL ADDITIONAL POINTS. FIRST, THAT APPEARANCE BEFORE CONGRESS HAD CAUSED DIFFICULTIES DURING OUR RECENT NEGOTIATIONS. SECOND, THAT THE ROKG MIGHT WELL WISH TO AVOID EXPLICIT AGREEMENT AND IMPLICITLY AGREE BY LEAVING IT UP TO PARK HIMSELF AS TO WHETHER HE WOULD BE WILLING TO APPEAR BEFORE THE COMMITTEE. THIRD, THAT THE DEPT

MIGHT WELL DECIDE TO MAKE ITS APPROACHES IN THIS MATTER THROUGH THE KOREAN EMBASSY IN WASHINGTON. FINALLY, THAT WHAT IS SAID PUBLICLY IS EXTREMELY IMPORTANT AND THAT ASKING FOR THE RETURN OF TWO FORMER AMBASSADORS AT THIS JUNCTURE COULD WELL HAVE AN INHIBITING EFFECT.

5. MR. SWILLINGER SAID THAT HE SAW INFORMAL DISCUSSIONS AS A GOOD IDEA. HE NOTED HIS FIRST PRIORITY WAS TO IN NO WAY INJURE THE CURRENT INTERROGATION. HE NOTED THE SENATE VIEW THAT THE EXECUTIVE WAS IN CHARGE OF FOREIGN POLICY. HE SAID THAT ANY APPROACH TO THE ROKG SHOULD IN HIS VIEW BE A JOINT SENATE-HOUSE APPROACH AND HE SAW SOME DIFFICULTY IN DOING THIS AT THIS TIME SO FAR FROM HOME. HOWEVER, IF THE DISCUSSIONS WERE INFORMAL AND EXPLORATORY
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IT SHOULD BE ACCEPTABLE AND SHOULD NOT CREATE PROBLEMS EITHER WAY.

6. IT WAS THEREFORE AGREED THAT, PROVIDED WASHINGTON APPROVES, I WOULD APPROACH ASST MINISTER RHI AND REQUEST THAT HE HAVE AN INFORMAL DISCUSSION WITH CONGRESSMAN CAPUTO AND MR. SWILLINGER. THERE WOULD BE NO PUBLICITY EITHER BEFORE OR AFTER SUCH MEETING. CONGRESSMAN CAPUTO EXPRESSED SOME CONCERN THAT THE PROCESS MIGHT BE TOO SLOW IN TERMS OF GENERATING FAVORABLE PUBLICITY FOR THE ROK PRIOR TO CONSIDERATION OF SECURITY ASSISTANCE BY THE HOUSE. HE AGREED, HOWEVER, THAT SINCE HE WAS HERE WE SHOULD HOLD AN INFORMAL DISCUSSION IF POSSIBLE. HE ALSO STATED HIS AGREEMENT TO OUR VIEWS ON THE SENSITIVITY OF PUBLIC STATEMENTS AND SAID HE WOULD CALL MR. JAWORSKI AND DISCUSS THIS WITH HIM.

7. COMMENT: I BELIEVE THIS IS THE MOST PROMISING WAY TO BEGIN CONTACTS BETWEEN THE ROKG AND THE CONGRESS. I HAVE ALREADY SOUNDED OUT RHI INFORMALLY ON THE POSSIBILITY OF SUCH DISCUSSIONS AND HE HAS SAID HE WOULD BE PERSONALLY WILLING BUT MUST CHECK WITH THE FOREIGN MINISTER. AT A LATER STAGE WE WOULD NEED TO PUT NEGOTIATIONS IN FORMAL CHANNEL IF WE DECIDE THEY WILL BE PROFITABLE. REQUEST AUTHORITY TO ARRANGE INFORMAL DISCUSSIONS.
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